

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID CIOCHETTO,

Plaintiff,
v.
Case Number 15-13813
Honorable David M. Lawson

WELLS FARGO, N.A.,

Defendant.

**ORDER GRANTING IN PART PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

This matter is before the Court on the plaintiff's motion for a preliminary injunction, seeking to forestall his eviction from his home, which has been foreclosed and sold at a sheriff's sale. The Court has reviewed the parties' submissions and heard oral argument on the plaintiff's motion in open court on November 12, 2015. At the hearing, the parties agreed on the record that the defendant would forbear from attempting to evict the plaintiff from residential property commonly known as 2449 Cabot Street, Canton, Michigan 48188 for 90 days, that certain conditions should be imposed during that hiatus, and that an injunction may be entered to memorialize that arrangement.

Accordingly, it is **ORDERED** that the plaintiff's motion for a preliminary injunction [dkt. #6] is **GRANTED IN PART**.

It is further **ORDERED** defendant Wells Fargo, N.A., its agents, servants, employees, and those in active concert and participation with them are hereby **RESTRAINED AND ENJOINED** from commencing any proceedings, taking any action, or engaging in any self-help activities to evict or attempt to evict the plaintiff, David Ciochetto, from premises known as 2449 Cabot Street, Canton, Michigan 48188.

It is further **ORDERED** that the plaintiff maintain hazard insurance against all perils for the full value of the property (as improved) at 2449 Cabot Street, Canton, Michigan 48188 for the duration of this preliminary injunction, and forthwith furnish proof of such insurance to counsel for the defendant.

It is further **ORDERED** that the plaintiff shall make monthly payments of \$1,500 each month, beginning on December 1, 2015, to Dykema Gossett PLLC, attention Erin Katz, Esq., to be placed in trust in defense counsel's IOLTA account pending the resolution of this case, and to be disbursed only upon further order of the Court.

It is further **ORDERED** that this preliminary injunction shall expire on February 10, 2016, unless extended by this Court, or until further order of the Court.

It is further **ORDERED** that the parties shall exchange information required by Federal Rule of Civil Procedure 26(a) **on or before November 26, 2015**.

It is further **ORDERED** that if defendant Wells Fargo, N.A. desires to answer or otherwise respond to the complaint, then it must do so **on or before January 11, 2016**.

s/David M. Lawson _____
DAVID M. LAWSON
United States District Judge

Dated: November 12, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 12, 2015.

s/Susan Pinkowski _____
SUSAN PINKOWSKI